# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/507,449 | 02/19/2000 | Todd M. Spencer | 10991107-1 | 8243 |

22879      7590      11/17/2003

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| EXAMINER |
|---|
| DINH, DUNG C |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2153 | |

DATE MAILED: 11/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 09/507,449 | SPENCER ET AL. |
| | **Examiner** | **Art Unit** |
| | Dung Dinh | 2153 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)☒ Responsive to communication(s) filed on <u>*25 August 2003*</u>.

2a)☐ This action is **FINAL**.     2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)☒ Claim(s) *22 and 24-36* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *22 and 24-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

   a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

## DETAILED ACTION

A request for continued examination under 37 CFR 1.114,

including the fee set forth in 37 CFR 1.17(e), was filed in this

application after final rejection.   Since this application is

eligible for continued examination under 37 CFR 1.114, and the

fee set forth in 37 CFR 1.17(e) has been timely paid, the

finality of the previous Office action has been withdrawn

pursuant to 37 CFR 1.114.   Applicant's submission filed on

8/4/2003 has been entered.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. § 103(a) which
forms the basis for all obviousness rejections set forth in this
Office action:

> *(a) A patent may not be obtained though the invention is
> not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject
> matter pertains.  Patentability shall not be negatived by
> the manner in which the invention was made.*

**Claims 22, 27-28, 32-33 are rejected under 35 U.S.C. 103(a)**

**as being unpatentable over Varma US patent 6,336,134 and further**

**in view of Smith et al. US patent 6,282,564.**

As set forth in claim 22, Varma discloses a system for

ensuring synchronization of multiple applications at remote

locations (through the collaboration and partition servers 31 and

32), the system comprising: local application sharing logic

configured to receive events to be shared from a plurality of

local applications; see col. 5, lines 39-63 (the applications that

will be shared are located on the clients), the logic application

sharing logic further configured to transmit the events (the

applications will send the modifications to the partition or

collaboration servers; see col. 7, lines 22-31, col. 8, line 4-

col. 10, line 36); remote application sharing logic configured to

receive the events from the local application sharing logic (the

remote application sharing logic will receive the modifications

that were made at the local client), the remote application

sharing logic further configured to transmit the events to a

plurality of remote applications, (after collaborating the

modification with the other modifications the updated workspace

modification will be sent to the remaining clients); and remote

event buffering logic configured to buffer the events received by

the remote application sharing logic (the FIFO buffer found in the

partition server will be an aspect of the buffer) the remote even

buffering logic further configured to determine if the remote

applications are ready to receive the events (the buffer and the

respective servers will determine when a modification is needed,

through this determination it is determined when the remote

applications are ready to receive events).

Varma expressed the desired to make sure the remote

applications received all transmitted events (col.7-10 lines 5-

10). However, Varma does not specifically disclose sending an

inquery to the remote applications requestion notification when

the remote applications are ready to receive the events, and

transmit the events to the remote applications when the remote

applications indicate a ready-to-receive status. The processes of

inquiry a remote reciever for ready-status prior to transmission

is well known in the data communication art. Smith discloses

method for communicating information with step to inquiry whether

the receiving device is ready and to begin transmission when the

receiving device returns an acknowledgement indicating the

recieving device is ready [col.2 lines 6-16, col.19 lines 43-52].

It would have been obvious for one of ordinary skill in the art to

inquiry ready status of the remote applications because it would

have improved the reliablity of the system by ensuring that a

remote application would not miss an event because it was not

ready to receive.

As set forth in claims 27-28, Varma discloses a method for

ensuring synchronization of multiple applications at remote

locations, the method comprising: transmitting events to be shared

from a plurality of local applications (through the collaboration
and partition servers, 31 and 32); receiving events in a local
application sharing logic; transmitting the events from the local
application sharing logic; receiving events, transmitted from the
local application sharing logic, in a remote application sharing
logic see col.5, lines 39-63 (the applications that will be shared
are located on the clients); determining if a plurality of remote
applications are ready to receive the events (after collaborating
the modification with the other modifications the updated
workspace modification will be sent to the remaining clients); and
transmitting the events from the remote application sharing logic
to the remote applications when the remote applications are ready
to receive the events (the buffer and the respective servers will
determine when a modification is needed, through this
determination it is determined when the remote applications are
ready to receive events).

Varma expressed the desired to make sure the remote
applications received all transmitted events (col.7-10 lines 5-
10). However, Varma does not specifically disclose sending an
inquery to the remote applications requestion notification when
the remote applications are ready to receive the events, and
transmit the events to the remote applications when the remote
applications indicate a ready-to-receive status. The processes of

inquiry a remote reciever for ready-status prior to transmission

is well known in the data communication art.  Smith discloses

method for communicating information with step to inquiry whether

the receiving device is ready and to begin transmission when the

receiving device returns an acknowledgement indicating the

recieving device is ready [col.2 lines 6-16, col.19 lines 43-52].

It would have been obvious for one of ordinary skill in the art to

inquiry ready status of the remote applications because it would

have improved the reliablity of the system by ensuring that a

remote application would not miss an event because it was not

ready to receive.

As set forth in claims 32-33, Varma discloses a system for

ensuring synchronization of multiple application at remote

locations, said system comprising: means for transmitting events

to be shared from a plurality of local applications (through the

collaboration and partition servers, 31 and 32); means for

receiving events in a local application sharing logic; means for

transmitting the events from the local application sharing logic;

means for receiving events, transmitted from the local application

sharing logic, in a remote application sharing logic; see col. 5,

lines 39-63 (the applications that will be shared are located on

the clients); means for buffering the events received in the

remote application sharing logic; means for determining if a

plurality of remote applications are ready to receive the events

(after collaborating the modification with the other modifications

the updated workspace modification will be sent to the remaining

clients); and means for transmitting the events from the remote

application sharing logic to the remote applications when the

remote applications are ready to receive the events (the buffer

and the respective servers will determine when a modification is

needed, through this determination it is determined when the

remote applications are ready to receive events).

Varma expressed the desired to make sure the remote

applications received all transmitted events (col.7-10 lines 5-

10). However, Varma does not specifically disclose sending an

inquery to the remote applications requestion notification when

the remote applications are ready to receive the events, and

transmit the events to the remote applications when the remote

applications indicate a ready-to-receive status. The processes of

inquiry a remote reciever for ready-status prior to transmission

is well known in the data communication art. Smith discloses

method for communicating information with step to inquiry whether

the receiving device is ready and to begin transmission when the

receiving device returns an acknowledgement indicating the

recieving device is ready [col.2 lines 6-16, col.19 lines 43-52].

It would have been obvious for one of ordinary skill in the art to

inquiry ready status of the remote applications because it would have improved the reliablity of the system by ensuring that a remote application would not miss an event because it was not ready to receive.


**Claims 24-26, 29-31, and 34-36, are rejected under 35 U.S.C. 103(a) as being unpatentable over Varma and Smith and further in view of Hales et al. US patent 5,938,723.**

Varma discloses a synchronization of clients for enabling the clients to collaborate in work spaces. Varma additionally discloses the usage of a buffer. However, Varma does not disclose having the buffer send information indicating the buffer is full, to suppress input or to indicate the readiness to receive input. As set forth in claims 24, 29, and 34, Hales discloses a system further comprising: means for suspending the transmission of the events from the local applications when the remote application sharing logic indicates that the means for buffering exceeds a threshold; see col. 13, line 60-col. 14, line 4. As set forth in claims 25, 30, and 35 Hales discloses a system wherein the means for suspending the transmission further comprises: means for suppressing input to the local applications when the remote application sharing logic indicates that the means for buffering exceeds the threshold; see col. 13, lines 60-col. 14, line 4. As

set forth in claims 26, 31, and 36, 1-tale discloses a system

wherein the means for suspending the transmission further

comprises: means for enabling input to the local applications when

said remote application sharing logic indicates that the means for

buffering is ready to receive the events; see col. 13, line 60-

col. 14, line 4. It would have been obvious to a person of

ordinary skill in the art at the time this invention was made to

have provided the buffer of Varma, with the means for indicating

that the buffer is full, to suppress input or to indicate

readiness to receive input, as taught by Hales. The rationale is

as follows: It would have been desirable to have had the means for

providing the system with status information related to the

buffer. As Hales teaches the desirability of having means for

indicating the buffer is full, to suppress input or to indicate

readiness to receive input, one of ordinary skill would have been

motivated by Hales teaching to have provided the buffer of Varma

with the means for indicating that the buffer is full, to suppress

input or to indicate readiness to receive input, thereby having

provided system status information for the buffer to permit smooth

synchronization of the system through the operation of the buffer.

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (703) 305-9655. The examiner can normally be reached on Monday-Thursday from 7:00 AM - 4:30 PM. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (703) 305-4792.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group 2100 Customer Service whose telephone number is (703) 306-5631.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, DC 20231

**or faxed to:** (703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA, Fourth Floor (Receptionist).

Dung Dinh
Primary Examiner
November 13, 2003